

No. 9(1) 82-6Lab./1282.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Accebeen Steel Private Limited Yamunanagar :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 72 of 1981

between

SHRI PANCHAM WORKMAN AND THE MANAGEMENT OF M/S ACCEBEEN STEEL
PRIVATE LIMITED, YAMUNA NAGAR

Present.—

Shri Rajeshwar Nath, for the workman.
None for the management.

AWARD

By order No. ID/YMN/19/81/11211, dated 11th March, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Accebeen Steel Private Limited, Yamunanagar and its workman Shri Pancham, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Pancham was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the workman appeared but the management did not appear despite service and the management was proceeded against *ex parte*, and the case was fixed for the *ex parte* evidence of the workman. The workman in his *ex parte* statement stated that he was working with the management for the last ten years as a chowkidar. The management terminated his service on 10th December, 1979. He was not given any notice or compensation. His wages were Rs. 225.

Believing *ex parte* statement of the workman, I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. I order accordingly.

Dated, 29th January, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 109, dated 29th January, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

The 4th March, 1982

No. 9(1)82-8I a b/1614.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of the General Manager, Haryana Roadways, Ambala :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 119 of 1981

between

SHRI DHARAMBIR SINGH, WORKMAN AND THE MANAGEMENT OF THE
GENERAL MANAGER, HARYANA ROADWAYS, AMBALA

Present.—

Shri Rajeshwar Nath Gaur, for the workman.
Shri S. N. Gaur, for the management.

AWARD

By order No. ID/Amb/13/81/21465, dated 23rd April, 1981, the Governor of Haryana referred the following dispute between the management of the General Manager, Haryana Roadways, Ambala and its workman Shri Dhar. Dhar. Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dhar. Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices, were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 18th August, 1981 :—

1. what is the effect of order passed by the S.T.C. as Appellate Authority ?
2. Whether the workman is entitled to back wages ?

The management examined Shri Bishan Dev clerk as MW-1 whereas the workman examined himself as WW-1. Arguments were heard. I now give my findings issues :—

Issues No. 1:

Brief facts of the case are that the workman was working as a helper from 1st September, 1977 in the Haryana Roadways Depot, Ambala. His services were terminated on 2nd November, 1979. He appealed against the termination order to the State Transport Controller, Haryana and the Appellate Authority, *vide* its order dated 25th March, 1981 setting aside the termination order and re-instated the workman. The period of absence was treated as leave of the kind due. MW also corroborated the above facts in his statement. He further deposed that the workman was sanctioned earned leave on full wages, half wages and without pay as per his entitlement. Order of the Appellate Authority is dated 25th March, 1981 wherea; the present reference was received on 28th April, 1981. The facts revealed that the order of reference was made during the pendency of the appeal. In execution of that decision the workman joined his duties. It was thus fully implemented and in my opinion that was the order binding on both the parties. In view of that order the workman cannot further agitate the same matter in the present reference. This issue is, therefore, decided accordingly.

Issue No. 2:

The concerned workman has stated that his services were terminated on 2nd November, 1979 and he was re-instated on 25th March, 1981. He further stated that no notice or chargesheet was served upon him before termination. In cross-examination he admitted that at the time of re-instatement he received his wages per entitlement of his leave. As I have given in issue No. 1 that the workman accepted the decision of the state Transport Controller which was fully implemented prior to the receipt of the present reference. There remained nothing for further agitation, even he received wages for a part of the period of idleness. Therefore, I do not think that he is further entitled to any other relief.

While answering the reference, I give my award that the workman has been taken on duty and he has been sanctioned leave of the kind due in lieu of back wages. The workman is not entitled to any relief in this reference. I order accordingly.

M. C. BHARDWAJ,

Dated the 3rd February, 1982.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 138, dated 5th February, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.